

NO. PD-0881-20

**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS**

FILED
COURT OF CRIMINAL APPEALS
7/22/2021
DEANA WILLIAMSON, CLERK

CRYSTAL MASON,
Appellant,

V.

STATE OF TEXAS,
Appellee.

From the Second Court of Appeals,
Cause No. 02-18-00138-CR

Trial Court Cause No. 148710D
From the 432nd District Court of Tarrant County, Texas
The Honorable Ruben Gonzalez, Jr. Presiding

APPELLANT'S MOTION FOR LEAVE TO FILE A REPLY BRIEF

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS:

Pursuant to Texas Rule of Appellate Procedure 38.3 and 70.4, Crystal Mason, Appellant, requests that this Court allow Appellant to file a reply brief in response to the State's brief. In support thereof, Appellant would respectfully show the following:

1. The Court of Criminal Appeals granted Appellant's Petition for Discretionary Review on March 31, 2021.
2. Ms. Mason filed her Brief on the Merits on May 17, 2021.

3. The State filed its Brief on the Merits on July 1, 2021.

4. Upon motion by a party, this Court may permit the filing of additional briefs. *See* TEX. R. APP. P. 70.4. If granted permission, an appellant may file a reply brief addressing any matter in the State’s Brief. TEX. R. APP. P. 38.3. A reply brief must be filed within 20 days after the State files its brief. Tex. R. App. P. 38.6(c).

5. Ms. Mason believes that a reply is warranted to address the arguments in the State’s brief, including, but not limited to addressing: the State’s interpretation of Section 64.012(a)(1)’s *mens rea* requirement, the State’s assertion that the federal Help America Vote Act (HAVA) arises from Congress’s spending power, and the application of the Rule of Lenity with respect to the interpretation of the statute’s phrase “votes in an election.”

6. Ms. Mason’s request is made for purpose of providing clarity to the Court by responding directly to the State’s arguments, not for the purpose of delay.

7. Appellant is filing her reply brief concurrently with this motion.

PRAYER

For the foregoing reasons, Ms. Mason respectfully asks the Court to grant her leave to file a reply brief to the State’s brief on the merits.

Respectfully submitted,

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Counsel for Appellant, Crystal Mason

CERTIFICATE OF SERVICE

In accordance with the Texas Rules of Appellate Procedure, I hereby certify that a true and correct copy of this Motion has been served on counsel of record and the State Prosecuting Attorney via e-service on July 19, 2021.

/s/ Thomas Buser-Clancy
Thomas Buser-Clancy

Automated Certificate of eService

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